

BRB Nos. 04-0813 BLA  
and 04-0921 BLA  
Case No. 03-BLA-0215

|                               |   |  |
|-------------------------------|---|--|
| TERRY L. SCOTT                | ) |  |
|                               | ) |  |
| Claimant-Respondent           | ) | DATE ISSUED: <u>September 27, 2004</u> |
|                               | ) |  |
| v.                            | ) |  |
|                               | ) |  |
| KOCHER COAL COMPANY           | ) |  |
|                               | ) |  |
| and                           | ) |  |
|                               | ) |  |
| LACKAWANNA CASUALTY COMPANY   | ) |  |
|                               | ) |  |
| Employer/Carrier-             | ) |  |
| Petitioner                    | ) |  |
|                               | ) |  |
| DIRECTOR, OFFICE OF WORKERS'  | ) |  |
| COMPENSATION PROGRAMS, UNITED | ) |  |
| STATES DEPARTMENT OF LABOR    | ) |  |
|                               | ) |  |
| Party-in-Interest             | ) | ORDER                                  |

By letter dated July 27, 2004, the Board acknowledged receipt of employer's Notice of Appeal of the administrative law judge's Decision and Order Awarding Benefits dated June 22, 2004, and filed in the Office of the District Director on June 25, 2004, BRB No. 04-0813 BLA.

On August 26, 2004, employer filed a second Notice of Appeal. Employer appeals the administrative law judge's Decision and Order Awarding Benefits dated June 22, 2004, and filed in the Office of the District Director on June 25, 2004, and Order Granting Director's Motion to Reconsider, and Amending Decision and Order of June 22, 2004, dated July 27, 2004, and filed in the Office of the District Director on August 3, 2004. The Board acknowledges receipt of employer's Notice of Appeal. Employer's appeal has been assigned BRB No. 04-0921 BLA. All future correspondence submitted to the Board regarding this appeal must bear this number.

Employer must file a Petition for Review and brief and two (2) legible copies with the Board within thirty (30) days from receipt of this Order. 20 C.F.R. §§802.211, 802.216.

Additionally, Section 802.206(f) of the Board's Rules of Practice and Procedure states that if

a timely motion for reconsideration of a decision or order of an administrative law judge or deputy commissioner is filed, any appeal to the Board, whether filed prior to or subsequent to the filing of a timely motion for reconsideration shall be dismissed as premature. 20 C.F.R. §802.206(f). Accordingly, the Board dismisses employer's appeal, BRB No. 04-0813 BLA, as premature.

Service of this Order has been made on all parties, the Solicitor of Labor and the District Director.

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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REGINA C. McGRANERY  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge